

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,827	04/21/2004	Max Motyka	22306

CONFIRMATION NO. 5299

## FORMALITIES LETTER



\*OC000000013084157\*

THORPE NORTH & WESTERN, LLP  
 P.O. Box 1219  
 Sandy, UT 84091-1219

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$698** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1598** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$698**

08/18/2004 FFANAI2 00000015 10828827

02 FC:2001	385.00 OP
03 FC:2201	43.00 OP
04 FC:2202	306.00 OP
05 FC:2051	65.00 OP

- \$86 for 1 independent claims over 3.
- \$612 for 34 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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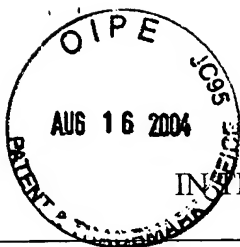
*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be "Dong", is written over a horizontal line.

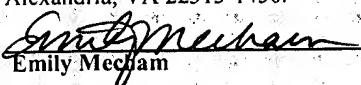
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1614	<b>RESPONSE TO NOTICE TO FILE MISSING PARTS OF PATENT APPLICATION Filing Date Granted</b>  <b>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</b> DATE OF DEPOSIT: <u>8/12/04</u>  I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.   Emily Meacham
APPLICANT: Motyka et al.	
SERIAL NO.: 10/828,827	
FILED: 4/21/2004	
CONFRM. NO.: 5299	
FOR: HYPOALLERGENIC METAL AMINO ACID CHELATES AND METAL AMINO ACID CHELATE- CONTAINING COMPOSITONS	
ATTORNEY DOCKET NO. 22306	

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Alexandria, VA 22313-1450

Sir/Madam:

In response to the Notice to File Missing Parts of Application mailed 6/28/2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- ☒ A copy of the Notice to File Missing Parts of Application Filing Date Granted.
- ☒ Declaration and Petition.
- ☒ Power of Attorney.
- ☒ Applicant claims small entity status under 37 CFR 1.9(b) & 1.27(c).
- ☒ An Assignment from the inventors to Albion International, Inc..
- ☐ Prior Art Statement, Form PTO-1449, and copies of cited prior art.

Response To Notice To File Missing Parts Of Patent Application

Commissioner for Patents

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☐ A Petition for a \_\_\_\_\_-month Extension of Time Under 37 CFR 1.136(a).  
Payment in the amount of 0.00 is enclosed.

The filing fee has been calculated as shown below.

		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE	FEE	
BASIC FEE			\$385.00	\$385.00	\$770.00
TOT. CLAIMS	54-20=	34	x \$9.00 =	\$306.00	x \$18.00 =
IND. CLAIMS	4-03=	1	x \$43.00 =	\$43.00	x \$86.00 =
MULTIPLE DEPENDENT CLAIMS PRESENTED		0	\$145.00	\$0.00	\$290.00
ASSIGNMENT FILING FEE			\$40.00	\$40.00	\$40.00
SURCHARGE FEE			\$65.00	\$65.00	\$130.00
			<b>TOTAL</b>	<b>\$839.00</b>	<b>TOTAL</b>

☒ A check in the amount of \$839.00 is enclosed to cover the filing fee.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.


Dated this 12<sup>th</sup> day of August, 2004.

Respectfully submitted,



M. Wayne Western  
Attorney for Applicant  
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MWW/GPO/em  
Enclosure